

Scott S. Thomas, Bar No. 21-275
sst@paynefears.com
Sarah J. Odia, Bar No. 21-279
sjo@paynefears.com
PAYNE & FEARS LLP
4 Park Plaza, Suite 1100
Irvine, California 92614
Phone (949) 851-1100
Fax (949) 851-1212
Telephone: 949-851-1100
Facsimile: 602-344-9653

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,
INC., a Michigan corporation; PULTE
DEVELOPMENT NEW MEXICO, INC., a
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,
an Ohio corporation; THE CINCINNATI
INSURANCE COMPANY, an Ohio
corporation; THE CINCINNATI
CASUALTY COMPANY, an Ohio
corporation; HDI GLOBAL SPECIALTY SE
fka INTERNATIONAL INSURANCE OF
HANNOVER, a New York corporation;
SENTINEL INSURANCE COMPANY,
LTD, a Connecticut corporation;
GUIDEONE NATIONAL INSURANCE
COMPANY, an Iowa corporation;
COLORADO CASUALTY COMPANY, a
New Hampshire corporation; OHIO
SECURITY INSURANCE COMPANY, a
New Hampshire corporation; DONEGAL
MUTUAL INSURANCE COMPANY fka
MOUNTAIN STATES MUTUAL
CASUALTY COMPANY, a Pennsylvania
corporation; ACE AMERICAN
INSURANCE COMPANY, a Pennsylvania

CIVIL NO. 1:22-cv-00388-MV-SCY

**JOINT STATUS REPORT REGARDING
SETTLEMENTS**

corporation; FIRST MERCURY INSURANCE COMPANY, a Delaware corporation; CENTURY SURETY COMPANY, an Ohio corporation; UNITED SPECIALTY INSURANCE COMPANY, a Delaware corporation; GEMINI INSURANCE COMPANY, a Delaware corporation; PELEUS INSURANCE COMPANY, a Virginia corporation; AMERICAN HALLMARK INSURANCE COMPANY OF TEXAS, a Texas corporation; CENTRAL MUTUAL INSURANCE COMPANY, an Ohio corporation; SOUTHERN INSURANCE COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; FEDERATED MUTUAL INSURANCE COMPANY, a Minnesota corporation,

Defendants.

AND RELATED COUNTERCLAIM

JOINT STATUS REPORT REGARDING SETTLEMENTS

Pursuant to the Court's May 18, 2023 Order (ECF No. 189), the parties hereby provide the Court with a Status Report addressing the parties' settlements.

SETTLEMENTS & DISMISSAL

The parties have been engaged in settlement negotiations. The only claims that have not been settled are the following:

1. Plaintiffs' claims against Peleus under a policy issued to Chavez Roofing;
2. Plaintiffs' claims against Cincinnati Insurance Company and Cincinnati Indemnity Company under Aspen Construction's policies;
3. Plaintiffs' claims against ACE American Insurance Company;
4. Plaintiffs' claims against First Mercury Insurance Company under Chavez Roofing's policies;
5. Plaintiffs' claims against United Specialty Insurance Company under Chavez Roofing's policies; and
6. Plaintiffs' claims against Gemini Insurance Company under Chavez Roofing's policies.

The following claims have been settled and dismissed from this lawsuit:

1. Federated Mutual Insurance Company has been dismissed without prejudice pursuant to Doc. 59;
2. Donegal Mutual Insurance Company fka Mountain States Mutual Casualty Company was dismissed with prejudice on December 20, 2022 pursuant to Doc. No. 158;
3. American Hallmark Insurance Company of Texas has been dismissed with prejudice pursuant to Doc. 169;
4. GuideOne National Insurance Company has been dismissed with prejudice pursuant to Doc. 172;
5. Starr Indemnity & Liability Company has been dismissed with prejudice pursuant to Doc. 173;

6. Colorado Casualty Company has been dismissed with prejudice pursuant to Doc. 175;
7. Ohio Security Insurance Company has been dismissed with prejudice pursuant to Doc. 176;
8. National Fire Insurance Company of Hartford has been dismissed with prejudice pursuant to Doc. 177;
9. Central Mutual Insurance Company has been dismissed with prejudice pursuant to Doc. 178;
10. National Union Fire Insurance Company of Pittsburgh, Pa. has been dismissed with prejudice pursuant to Doc. 179;
11. First Mercury Insurance Company has been dismissed with prejudice, relating to Magnum policies only and will remain a Defendant relating to all other policies, as described in Plaintiffs' Complaint pursuant to Doc. 184;
12. United Specialty Insurance Company has been dismissed with prejudice, relating to Monarch Builders, Magnum Builders, and Chavez Lath policies only pursuant to Doc Nos. 57, 184, and 187;
13. Endurance American Insurance Company has been dismissed with prejudice pursuant to Doc. 184;
14. Century Surety Company has been dismissed with prejudice pursuant to Doc. 187;
15. Sentinel Insurance Company, Ltd. has been dismissed with prejudice, relating to Aldermill policies pursuant to Doc No. 188; and
16. First Mercury Insurance Company has been dismissed without prejudice pursuant to Doc. 193.

The following have recently settled, but dismissals have yet to be filed because the

parties are finalizing the settlement documents and/or Plaintiffs are awaiting payment of the settlement funds:

1. Southern Insurance Company;
2. Sentinel Insurance Company, Ltd. relating to Alvarez Drywall policies;
3. Cincinnati Indemnity Company, The Cincinnati Insurance Company, and The Cincinnati Casualty Company relating to Amestoy Dri-Wall, Aspen Block, Aspen Concrete, Connection Plumbing, Williams Drywall, and A Management dba Amestoy Stucco policies;
4. United Specialty Insurance Company relating to Otero policies;
5. Clarendon National Insurance Company relating to Otero policies;
6. Knight Specialty Insurance Company relating to Otero policies;
7. The Cincinnati Insurance Company, Cincinnati Casualty Company, and Cincinnati Indemnity Company relating to A Management dba Amestoy Stucco policies; and
8. HDI Global Specialty SE fka International Insurance of Hannover (“HDI”) relating to Aldermill and Chavez Roofing policies.

Defendant HDI Global Specialty SE fka International Insurance of Hannover (“HDI”) will not be making an appearance in this case as all claims have been settled, but we are finalizing settlement documents and will voluntarily dismiss once complete.

APPROVED WITH/WITHOUT EXCEPTIONS

(note exceptions above)

/s/ Sarah J. Odia

For Plaintiffs Pulte Homes of New Mexico, Inc. and
Pulte Development New Mexico, Inc.

/s/ Amanda Hough

For Defendant ACE American Insurance Company

/s/ Heather L. McCloskey

For Defendant Sentinel Insurance Company, Ltd.

/s/ Robert C. Evans

For Defendants The Cincinnati Insurance Company,
The Cincinnati Indemnity Company, and The
Cincinnati Casualty Company

/s/ Charles Vigil

For Defendant Southern Insurance Company

/s/ Megan Ritenour

For Defendants United Specialty Insurance
Company, Knight Specialty Insurance Company,
Gemini Insurance Company, and Peleus Insurance
Company

/s/ Luke G. Peters

For Defendant Clarendon National Insurance
Company

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 2023, a true and correct copy of **JOINT STATUS REPORT REGARDING SETTLEMENTS** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens
Jennifer Stephens, an Employee of
PAYNE & FEARS LLP

4865-1004-2481.1